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January 29, 2008

BY FAX: 212-805-6191  
Honorable Barbara S. Jones  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Matthew Smith v. CNY et al, 07-CV-7993(BSJ)

USDC SDNY  
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You Honor:

I am the Assistant Corporation Counsel assigned to defend the above-captioned matter. On October 25, 2007, Your Honor granted an extension of time for defendant City to answer the complaint until December 21, 2007. However, due solely to my own error, I failed to properly calendar my response and therefore have missed the deadline.

Yesterday, I received a call from Arnold J. Levine, Esq., inquiring about defendant's answer. I informed him that I would file an answer immediately and he graciously consented. Defendant's answer has been drafted and can, with your consent, be filed electronically.

Therefore, I respectfully request permission to file Defendant City's answer late and apologize for any inconvenience to the Court, Plaintiff, and Mr. Levine.

Sincerely,

Brian G. Maxey

CC BY FAX: 212-608-3280  
Arnold Levine, Esq.  
Attorney for Plaintiff

*Application Granted*

SO ORDERED, *Barbara S. J.*  
Dated: BARBARA S. JONES  
U.S.D.J.

*1/30/08*